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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/436,920

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/436,920
Filing Date: November 09, 1999
Appellant(s): LOHIA, SHRINIWAS

Todd A. Cason

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/18/2007 appealing from the Office action mailed.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,937,777

Flood et al.

6,304,895

Schneider et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,7,14,21 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter as disclosed, "wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and communication management information using the communication link" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4-7, 10-14, 16, 18-21, 22, 24-26 are rejected under 35 U.S.C. 102(e) as being unpatentable by Flood et al (U.S. 4,937,777).

As per claims 1,21 Flood disclosed a system for communicating management information, comprising: a first interface card; a second interface card; and a management card coupled to the first interface card and the second interface card (col. 5, lines 65-67 & col. 6, lines 1-22 & col. 4, lines 18-22), the management card operable to receive a command from a client, the command identifying an interface card or a network device associated with an interface card (col. 5, lines 21-26); establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to a command communicated by the

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client (col. 4, lines 50-61); wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and communication management information using the communication link (col. 6, lines 23-36); and communicate management information using the communication link (col. 4, lines 61-67).

2. As per claims 4, 11 & 18 Flood disclosed wherein the communication link comprises a serial communication path (col. 10, lines 1-4).

3. As per claim 5 Flood disclosed wherein the command comprises information selecting one of the first interface card and the second interface card (col. 5, lines 12-26).

4. As per claim 6 Flood disclosed wherein the management information comprises information used to configure a network device associated with the particular interface card (col. 5, lines 12-26).

5. As per claims 7 & 14 Flood disclosed a method for communicating management information performed by a management card (col. 5, lines 65-67 & col. 6, lines 1-3), comprising: receiving a command from a client, the command identifying a particular one of a first interface card and a second interface card (col. 5, lines 23-25); establishing a communication link between the client and the particular interface card in response to receiving the command; wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and communication management information using the communication link (col. 6, lines 23-36), and communicating management information using the communication link (col. 5, lines 12-20).

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6. As per claim 10 Flood taught a method further comprising operating the client to generate the command and the management information (col. 4, lines 65-67).
7. As per claims 12 & 19 Flood disclosed wherein the command comprises information selecting one of the first interface card and the second interface card (col. 5, lines 12-26).
8. As per claims 13 & 20 Flood disclosed wherein the management information comprises information used to configure a network device associated with the particular interface card (col. 22, lines 63-67).
9. As per claim 16 Flood disclosed wherein the processor is further operable to communicate management information using the communication link (col.5, lines 21-26).
10. Claim 21 has the same limitation as to claim 1 therefore under the same limitations claim 21 can be rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,8,9,15,17,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al (U.S. 4,937,777) and further in view of Schneider et al (U.S. 6,304,895).

As per claim 2,8,15 Flood teaches the invention as claimed as discussed above; however, Flood failed to disclose wherein the management card comprises: a switch operable to establish the communication link between the client and one of a first port and a second port; a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port. In the same field of endeavor Schneider disclosed the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer's window gains focus, the target controller automatically sends the appropriate key stroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 8-17); In one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration "wizard") manually establishes the correlation between the name of a system and its switch/port number. In light of the fact that this manual process can be cumbersome, especially when are tiered in a hierarchy, an alternate embodiment utilizes an automated configuration process. In that embodiment, the switches utilize one of the keyboard or mouse ports or separate dedicated communications port to pass information from the target devices or switches up to the target controller (col. 14, lines 26-36); In one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration "wizard") manually establishes the

correlation between the name of a system and its switch/port number (col. 14, lines 26-30); In an alternate embodiment, two or more different users may connect to the same controller. In this embodiment the two or more users may control different control cards or may share access to the same controller card. In this embodiment, the captured GDI calls for a controller card are routed to the appropriate remote control software. Likewise, a user may be connected to the multiple control cards on one or more cards simultaneously (col. 14, lines 49-56); the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer's window gains focus, the target controller automatically sends the appropriate keystroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 9-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the disclose wherein the management card comprises: a switch operable to establish the communication link between the client and one of a first port and a second port; a memory operable to store mapping information associating the first port with the first interface card and the second port with the second interface card; and a processor coupled to the memory and the switch, the processor operable to: receive the command identifying a particular interface card; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port as taught by Schneider in the method of Flood to do multitasking and make resource management more efficient.

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12. As per claims 3, 9 & 17 Flood disclosed wherein: the first interface card is coupled to a first network device that uses a first operating system the second interface card is coupled to a second network device that uses a second operating system (col. 4, lines 33-49); and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card (col.4, lines 61-67).

(10) Response to Arguments

As to applicants arguments the response are as follows:

13. Applicant argued that the prior art failed to disclose particular functionality performed by the “management card” and “receive a command from a client, the command identifying an interface card or a network device associated with “an interface card” or a network device associated with an interface card” or establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to the command communicated by the client”.

As to applicant’s argument Flood disclosed a program execution module completes a functional chart step, it sends a command to the program execution module 18 containing the next step to be executed. The command identifies the next step to be executed. The command identifies the next step and instructs the program execution module to begin executing it (col. 5, lines 21-26). The system controller 16 may be also connected via a cable to a local area network over which it

may receive data and programming instructions, as well as issue status information and report data to a host computer. This enables a central host computer or central terminal to program and control the operation of a plurality of programmable controllers on a factory floor (col. 4, lines 61-67). On Applicant's request the Examiner conducted the interview on October 2, 2003, however Applicant fails to mention that Examiner equates that the "Commands from a Client" to the "Programming Instructions from a user (col. 4, lines 61-67)" of Claim 1. One with ordinary skill in the art at the time of the invention can equate the "Command from a Client" to a "Programming Instructions from a user". Examiner strongly disagree with the Applicant suggesting that "Command from a Client" is not the same to the "Programming Instruction". It is clearly understandable by one with ordinary skill in the art at the time of the invention the Command is similar to "Machine Instruction" or Computer Instructions or in other words called "Programmed Instructions".

14. Applicant argued that prior art did not disclose, "establish a communication link between a client and a particular one of the first interface card and the second interface card selected in response to a command communicated by the client; wherein the communication link forms a complete path that couples at least the client to at least the particular interface card".

As to applicants argument Flood disclosed, "The system controller as shown schematically in FIG. 3 connects to the backplane buses 21-23 and is divided into three sections (delineated by dashed lines) for backplane interface, processing and communication operations. The backplane

interface section supervises the backplane access for all the rack modules and interfaces the controller module 16 to the backplane 11. The processor section executes supervisory program for the controller 10. The communication section is primarily responsible for communication with external terminal 24 and local area networks such as LAN 28. Each of the processor and communication sections includes a set of internal buses, communication buses 31-33 and processor buses 61-63 respectively (col. 6, lines 23-36). As to applicant's argument Flood disclosed "the system controller 16 is connected through cable to a programming terminal 24, which is used to load the user programs into the programmable controller and configure its operation, as well as monitors its performance" (col. 4, lines 50-54). Also Flood disclosed " the system controller may also be connected via a cable 26 to a local area network over which it may receive data and programming instructions, as well as issue status information and report data to a host computer" (col. 4, lines 61-64). One with ordinary skill in the art at the time of the invention knows that in order to receive data and programming instructions the System controller has to keep the communication or logical link. Also Flood disclosed another task supervised by the system controller is the exchange of the data with the host computer or peer programmable controller via the local area network"(col. 6, lines 11-14). One with ordinary skill in the art the time of the invention knows that in order to exchange data you have to have communication link established either between the Programmable controller equates to Interface card of claim 1 or the host computer.

15. Applicant alleges that prior art fails to identify which components equates to the "switch recited in Claim 2 and also fails to disclose "a processor coupled to the memory and the switch,

the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port” as recited in Claim 2.

As to applicant’s argument Schneider disclosed in one embodiment of the system of the present invention, the user (with the help of a configuration file or configuration “wizard”) manually establishes the correlation between the name of a system and its switch/port number (col. 14, lines 26-30); In an alternate embodiment, two or more different users may connect to the same controller. In this embodiment the two or more users may control different control cards or may share access to the same controller card. In this embodiment, the captured GDI calls for a controller card are routed to the appropriate remote control software. Likewise, a user may be connected to the multiple control cards on one or more cards simultaneously (col. 14, lines 49-56); the control applications (220 and 240) utilize a multi-window architecture (e.g., the Multiple Document Interface (MDI) to support control for multiple target devices. When a target computer’s window gains focus, the target controller automatically sends the appropriate keystroke sequence to the switch to select the corresponding switch port of that target computer (col. 14, lines 9-17). One ordinary skill in the art at the time of the invention knows that the target controller automatically sends the appropriate keystroke sequence to Switch to select the corresponding switch port of that target computer and in an alternate embodiment utilizes an automated configuration process. In that embodiment, the switches utilize one of the keyboard or

mouse ports or a separate dedicated communications port to pass information from the target devices or switches up to target controller holds the common meaning to a processor coupled to the memory and the switch, the processor operable to: receive the command; determine the port associated with the particular interface card using the mapping information; and command the switch to establish the communication link between the client and the determined port information; and command the switch to establish the communication link between the client and the determined port. Where computer and Switch has a built in process that is know with by the one ordinary skill in the art at that time of invention.

16. Applicant alleges that prior art did not disclose wherein: the first interface card is coupled to a first network device that uses a first operating system the second interface card is coupled to a second network device that uses a second operating system and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card.

As to applicant's argument Flood disclosed each remote I/O rack 17 has a plurality of local I/O modules 19 which are coupled to individuals sensors and actuators on the controlled equipment (col. 4, lines 36-39). Flood also disclosed the system controller is connected through cable to a programming terminal which is used to load the user programs into the programmable controller and configure its operation, as well monitor its performance (col. 4, lines 50-54). One with ordinary skill in the art at the time of invention can easily interrupt the first interface card is coupled to a first network device that uses a first operating system the second interface card is

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coupled to a second network device that uses a second operating system and the processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card to each remote I/O rack 17 has a plurality of local I/O modules 19 which are coupled to individuals sensors and actuators on the controlled equipment. Flood also disclosed the system controller is connected through cable to a programming terminal which is used to load the user programs into the programmable controller and configure its operation, as well monitor its performance. Where I/O modules can be referred as first and second interface cards and the systems holds a built in processor that performs the management and configuration of the system.

17. Applicant argued that prior art that 112, first paragraph is improper.

3. As to applicant's argument the 112, first paragraph rejection is proper. The claim(s) contains subject matter as disclosed, "wherein the communication link forms a complete path that couples at least the client to at least the particular interface card; and communication management information using the communication link" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Applicant's arguments filed 05/18/2007 have been fully considered but they are not persuasive.

Response to applicant's argument is as follows.

For the above reason, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

AM


Adnan Mirza

September 05, 2007

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Conferees




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